

CV 03-1255 #3

FILED _____ EN
LODGED _____ RECEIVED

JUN 06 2003 MR

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY _____ DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CV03-1255

TAMMY and DANIEL DOMIKE,

No

Plaintiffs,

King County Superior Court
Cause No 03-2-25154-2SEA

v

**VERIFICATION OF STATE
COURT RECORDS**

THE CITY OF SEATTLE, et al.,

Defendants

VERIFICATION

The undersigned hereby declare the following

1 The undersigned are attorneys of record for the above-named defendants

2 Pursuant to CR 101(b), attached are true and correct copies of all records and
proceedings in the Superior Court of King County, Washington in the above-entitled action,
Cause No. 03-2-25154-2SEA

VERIFICATION OF STATE COURT
RECORDS - 1

STAFFORD FREY COOPER

Professional Corporation

ATTORNEYS

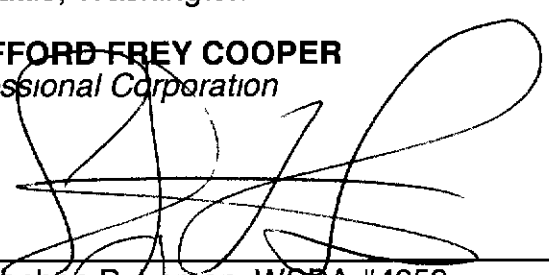
2500 RAINIER TOWER
1301 FIFTH AVENUE
SEATTLE WASHINGTON 98101-2621
TELEPHONE (206) 623-9900

ORIGINAL

<u>Exhibit</u>	<u>Document</u>
A	Summons and Complaint
B	Notice of Appearance – Defendants City of Seattle, Assistant Chief Nick Metz and Assistant Chief Brent Wingstrand Stafford Frey Cooper, P C

DATED this 6 day of June, 2003 at Seattle, Washington

STAFFORD FREY COOPER
Professional Corporation

By 
Stephen P. Larson, WSBA #4959
Heather L. Carr, WSBA #29780
Attorneys for Defendants

VERIFICATION OF STATE COURT
RECORDS - 2

STAFFORD FREY COOPER
Professional Corporation
ATTORNEYS
2500 RAINIER TOWER
1301 FIFTH AVENUE
SEATTLE, WASHINGTON 98101-2621
TELEPHONE (206) 623-9900

RECEIVED

03 MAY 20 PM 3:40

CITY OF SEATTLE
MAYOR'S OFFICE

CAROL A. SCHAPIRA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

TAMMY and DANIEL DOMIKE,

Plaintiffs,

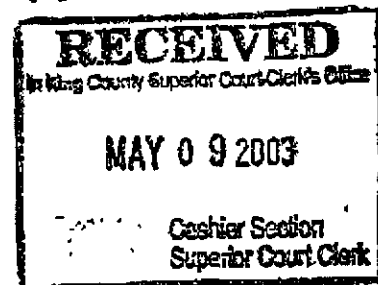
v.

THE CITY OF SEATTLE;
SEATTLE POLICE DEPARTMENT,
NICK METZ; and BRENT
WINGSTRAND,

Defendants.

No. **03-2-25154-2SEA**

SUMMONS [20 days]



TO THE DEFENDANTS: A lawsuit has been started against you in the above-entitled court by Tammy and Daniel Domike, Plaintiffs. Plaintiffs' claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and by serving a copy upon the person signing this Summons, within 20 days after the service of this Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he or she asks for because you have not responded. If you serve

EXHIBIT **A**

SUMMONS - 1

MACDONALD HOAGUE & BAYLESS
1500 HOGE BUILDING
705 SECOND AVENUE
SEATTLE WASHINGTON 98104-1745
(206) 622-1804
FAX: (206) 343-3961

1 a notice of appearance on the undersigned person, you are entitled to notice before a default
2 judgment may be entered.

3 You may demand that the Plaintiffs file this lawsuit with the court. If you do so,
4 the demand must be in writing and must be served upon the person signing this Summons.
5 Within 14 days after you serve the demand, the Plaintiffs must file this lawsuit with the
6 court, or the service on you of this Summons and Complaint will be void. If you wish to
7 seek the advice of an attorney in this matter, you should do so promptly so that your
8 written response, if any, may be served on time.
9

10 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
11 State of Washington.

12 DATED this 8th day of May, 2003.

13 MacDONALD, HOAGUE and BAYLESS

14
15 By Maria Fox
16 Maria C. Fox, WSBA #27476
17 Timothy K. Ford, WSBA #5986
18 Attorneys for Plaintiffs
19
20
21
22
23
24
25

RECEIVED
03 MAY 20 PM 3:40
CITY OF SEATTLE
MAYOR'S OFFICE

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

CAROL A. SCHAPIRA

TAMMY and DANIEL DOMIKE,

Plaintiffs,

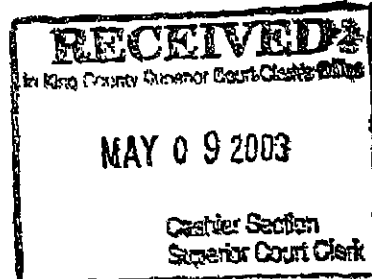
v.

THE CITY OF SEATTLE,
SEATTLE POLICE DEPARTMENT;
NICK METZ; and BRENT
WINGSTRAND,

Defendants.

NO. **03-2-25154-2SEA**

COMPLAINT FOR DAMAGES
AND JURY DEMAND



COME NOW PLAINTIFFS TAMMY DOMIKE AND DANIEL DOMIKE, by and
through their attorneys, Maria C. Fox and Timothy K. Ford of MacDonald, Hoague &
Bayless, and allege as follows:

I. NATURE OF ACTION

This is a civil rights action to recover damages arising from the seizure and
destruction of real property owned by innocent home owners by police during an
unnecessary and excessively forceful police SWAT operation, in violation of the Fourth,

COMPLAINT FOR DAMAGES - 1

COPY
MACDONALD HOAGUE & BAYLESS
1500 HOGE BUILDING
705 SECOND AVENUE
SEATTLE WASHINGTON 98104-1745
(206) 622-1804
FAX (206) 945-3961

1 Fifth, and Fourteenth Amendments to the United States Constitution, 42 U.S.C. Section
2 1983, and Article I, Section 16 of the Washington State Constitution and RCW Title 8.

3 II. PARTIES

4 2.1 Plaintiffs. Tammy Domike and Daniel Domike are residents of King
5 County, Washington. They are, and at all times relevant to this claim have been, married.
6 At all times relevant to this complaint, as a marital community, they owned the house
7 located at 1117 24th Avenue South, Seattle, WA 98114.

8 2.2 Defendants.

9
10 2.2.1 Defendant City of Seattle is a municipal corporation organized under
11 the laws of the State of Washington, located in King County, Washington. The Seattle
12 Police Department is an agency of the City of Seattle.

13 2.2.2 Defendants Nick Metz and Brent Wingstrand are Seattle Police
14 Department officers with supervisory authority.

15 III. JURISDICTION AND VENUE

16
17 3.2 The acts complained of herein occurred in King County, Washington. Venue
18 is therefore proper in King County.

19 IV. FACTS

20 4.1 On Mother's Day, May 14, 2000, starting at approximately 3:30 p m.,
21 Seattle Police Department officers seized, shot, teargassed and destroyed plaintiffs' home
22 located at 1117 24th Avenue South, Seattle, WA 98114.

23 4.2 The Seattle Police Department had no warrant to seize, shoot, teargas, or
24 destroy plaintiffs' home.
25

1 4.3 Plaintiffs did not consent to the seizure, shooting, teargassing or destruction
2 of their home.

3 4.4 Plaintiffs had engaged in no illegal activity justifying these police actions and
4 the Seattle Police Department never claimed they did.

5 4.5 The shooting and teargassing caused extensive damage to plaintiffs' home and
6 rendered it uninhabitable.

7 4.6 As a result of the damage to their home, plaintiffs had to live in a motel
8 room for five and a half months, while the house was being repaired. Plaintiffs also had to
9 replace almost every item of personal property that was inside the house, due to damage
10 from the teargas.

11 4.7 The actions of defendants described above have caused plaintiffs to lose the
12 use and enjoyment of their property, and caused them to suffer emotional distress, lose
13 wages, incur medical bills, and other damages in amounts to be proven at trial.

14 4.8 As a result of exposure to teargas, plaintiff Tammy Domike has experienced
15 damage to her health, and physical pain and suffering.

16 4.9 The actions of defendants described above were taken pursuant to the
17 policies, customs, and usages of the City of Seattle, and under color of law.

18 4.10 On February 24, 2003, plaintiffs filed a tort claim with the City of Seattle,
19 seeking compensation for the above-described injuries. The City of Seattle has not
20 responded to the claim, though more than sixty days have elapsed since it was filed.

21 4.11 Plaintiffs were not compensated by the City of Seattle for the damage to their
22 house or the loss of their use of their private property.
23
24
25

V. CAUSES OF ACTION

Based upon the facts asserted above in paragraphs 1 through 4.11, plaintiffs allege the following claims and causes of action

Taking Without Just Compensation

5.1 The above acts of the defendants constitute a taking, damaging and destruction of private property for public use without just compensation, in violation of the Fifth Amendment to the Constitution of the United States and Article I, Section 16 of the Constitution of the State of Washington and RCW Title 8.

5.2 As a result, plaintiffs have suffered economic losses in an amount to be proven at trial.

Unreasonable Search and Seizure

5.3 The above acts of the defendants constitute an unreasonable search and seizure in violation of plaintiffs' civil rights under the Fourth and Fourteenth Amendments to the Constitution of the United States and 42 U.S.C. Section 1983.

5.4 As a result, plaintiffs have suffered economic losses, emotional distress, anxiety, damage to health, and physical pain and suffering, in an amount to be proven at trial.

Deprivation of Property Without Due Process

5.5 The above acts of the defendants constitute a deprivation of liberty and property without due process of law, in violation of plaintiffs' rights guaranteed by the Fourteenth Amendment to the Constitution of the United States and 42 U.S.C. Section 1983

5.6 As a result, plaintiffs have suffered economic losses, emotional distress, anxiety, damage to health, and physical pain and suffering, in an amount to be proven at trial.

VI. JURY DEMAND

6.1 Plaintiffs demand a trial by jury.

VII. REQUEST FOR RELIEF

Plaintiff requests that the Court enter judgment against Defendants City of Seattle, Seattle Police Department, Nick Metz and Brent Wingstrand as follows:

7.1 For special and general compensatory damages on all of their claims in an amount to be proven at the time of trial;

7.2 Punitive damages against the individual defendants in amounts to be proven at trial;

7.3 For their costs of suit, disbursements and attorneys' fees pursuant to 42 U.S.C Section 1988, RCW 8.25 070, and any other applicable provision of law.

7.4 For such other and further relief as the Court deems just and proper.

DATED this 8th day of May, 2003.

MacDONALD HOAGUE & BAYLESS

By Maria C. Fox
Maria C. Fox, WSBA #27476
Timothy K. Ford, WSBA #5986
Attorneys for Plaintiffs

The Honorable Carol A. Shapira

SUPERIOR COURT OF WASHINGTON
IN AND FOR KING COUNTY

TAMMY and DANIEL DOMIKE,

Plaintiffs,

v.

THE CITY OF SEATTLE, SEATTLE
POLICE DEPARTMENT; ASSISTANT
CHIEF NICHOLAS METZ; and
ASSISTANT CHIEF BRENT
WINGSTRAND,

Defendants.

No. 03-2-25154-2SEA

NOTICE OF APPEARANCE

TO The Clerk of the Above-Entitled Court,

AND TO Tammy and Daniel Domike, Plaintiffs;

AND TO: Maria C Fox and Timothy K Ford, Attorneys for Plaintiffs

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned hereby appears as counsel of record for defendants CITY OF SEATTLE, SEATTLE POLICE DEPARTMENT, ASSISTANT CHIEF NICK METZ and ASSISTANT CHIEF BRENT WINGSTRAND, without waiving the questions of

1 Lack of jurisdiction over the subject matter,

2. Lack of jurisdiction over the person;

NOTICE OF APPEARANCE - 1

03-2-25154-2SEA

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EXHIBIT B

STAFFORD FREY COOPER

Professional Corporation
ATTORNEYS
2500 RAINIER TOWER
1301 FIFTH AVENUE
SEATTLE WASHINGTON 98101-2621
TEL (206) 623-9900
FAX (206) 624-6885

3. Improper venue,
4. Insufficiency of process;
5. Insufficiency of service of process,
6. Failure to state a claim upon which relief may be granted; and
7. Failure to join a party under Rule 19

YOU ARE FURTHER NOTIFIED that all further papers and pleadings herein, except original process, shall be served upon the undersigned attorneys at the address stated below.

DATED this 28th day of May, 2003.

STAFFORD FREY COOPER
Professional Corporation

By 

Stephen P. Larson, WSBA #4959
Attorneys for Defendants

NOTICE OF APPEARANCE - 2
03-2-25154-2SEA

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STAFFORD FREY COOPER
Professional Corporation

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2500 RAINIER TOWER
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TEL (206) 623-9900
FAX (206) 624-6885

Certificate of Service

The undersigned certifies under the penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled **NOTICE OF APPEARANCE** on the following individual.

**Maria C. Fox
Timothy K. Ford
MacDonald Hoague & Bayless
1500 Hoge Building
705 Second Avenue
Seattle, WA 98104**

Attorneys for Plaintiffs

☒ Via Legal Messenger
☐ Via First Class U.S. Mail

DATED this 20th day of May, 2003 at Seattle, Washington


Dori M. Mashburn
Paralegal to Stephen P. Larson

NOTICE OF APPEARANCE - 3
03-2-25154-2SEA
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